



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 18, 2015**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, August 18, 2015 at 5:30 p.m. for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

I.	<u>CALL TO ORDER</u>	Pages
A.	Certification of Public Notice.	1-2
B.	Invocation.	
C.	Pledge of Allegiance.	
D.	Mayoral Recognitions.	
E.	Roll Call.	

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. PUBLIC HEARINGS

A.	To solicit input on behalf of Jessica Perez Pena to approve a Conditional Use Permit to operate a daycare center at 600 S. Westgate Dr., also being Lot 2, Norma Jean Subdivision, Weslaco, Hidalgo County, Texas.	3
B.	To solicit input on behalf of Irma Valerio Salinas to approve A Conditional Use Permit to operate an event center at 623 W. Business Highway 83, also being Lot 1, Harding-Gill Subdivision, Weslaco, Hidalgo County, Texas.	4
C.	To solicit input on behalf of Adela M. Gonzalez to approve the rezone of 1411 W. 18th Street, also being a 0.88 acre tract of the N212.07'-W205.40'	5

out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District.

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| D. | To solicit input on behalf of Adela M. Gonzalez to approve a Conditional Use Permit to operate an event center at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas. | 6 |
| E. | To solicit input from the public regarding the City of Weslaco proposed budget for Fiscal Year 2015-2016. | 7-8 |
| F. | To solicit input from the public regarding the City of Weslaco ad valorem property tax rate, assessed at the same rate as last year, \$0.6767/\$100.00 valuation, pursuant to §26.05(d) of the Texas Tax Code. | 9-10 |

IV. **CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

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| A. | Approval of the Minutes of the following:
1) Regular Meeting on August 4, 2015;
2) Special Meeting on August 10, 2015. (Staffed by City Secretary's Office.) Attachment. | 11-23
24-26 |
| B. | Approval on Second and Final Reading of Ordinance 2015-21, amending Ordinance 2014-11 establishing the Municipal Budget for Fiscal Year 2014-2015, and approving a budget amendment in the amount not to exceed \$350,000.00 to acquire two ambulances for the Fire Department. (First Reading held August 4, 2015; Staffed by Fire Department.) Attachment. | 27-28 |
| C. | Approval of the lease agreement with IDEA Weslaco Pike for the use of the Mayor Pablo G. Pena City Park Tennis Courts, September 1, 2015 - May 31, 2016 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. | 29-33 |
| D. | Approval of the request by Valley Nature Center to utilize Gibson Park on November 14, 2015 from 12 noon – 10 p.m. for Brew in the Woods, and authorize the Mayor to execute any related documents as may be required, and waive any fees that may be associated with the event. (Staffed by Parks and Recreation Department.) Attachment. | 34-35 |
| E. | Approval of the renewal of the Lease Agreement with the Weslaco Youth | 36-42 |

Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area, for a term of four (4) months September 1 - December 31, 2015, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.

- F. Approval of the renewal of the Lease Agreement with Mid Valley Youth Soccer League for the use of Pablo G Pena City Park Soccer fields for a term of four (4) months September 1 - December 31, 2015, and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment. 43-55
- G. Approval to declare and dispose of additional surplus property from various departments through a public auction as per Ordinance No. 86-08, through Valley Wide Auction Services at the Public Facilities building on August 29, 2015, and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment. 56-77
- H. Approval of the renewal of an agreement with the Drug Enforcement Administration for fiscal year 2015-2016 for participation in the local HIDTA task force and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 78-84
- I. Approval of the renewal of an agreement with the Children's Advocacy Center of Hidalgo Co. Inc. and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment. 85-96

V. OLD BUSINESS

- A. Discussion and consideration to replace Water Plant Filter Gallery Valves on Plants 2, 3, and 4 as recommended by Briones Consulting & Engineering. Possible action. (This item was tabled August 4, 2015; Staffed by Public Utilities Department.) Attachment. 97-103

VI. NEW BUSINESS

- A. Discussion and consideration after public to schedule a record vote September 1 and 15 regarding the City of Weslaco proposed budget for Fiscal Year 2015-2016. Roll call vote required. Possible action. (Staffed by Finance Department.) Attachment. 104
- B. Discussion and consideration after public hearing on behalf of Jessica Perez Pena to approve a Conditional Use Permit to operate a daycare center at 600 S. Westgate Dr., also being Lot 2, Norma Jean Subdivision, Weslaco, Hidalgo County, Texas. Possible action (Staffed by Planning and Code Enforcement Department.) Attachment. 105-114

- C. Discussion and consideration after public hearing on behalf Irma Valerio Salinas to approve Conditional Use Permit to operate an event center at 623 W. Bus Hwy 83, also being Lot 1, Harding-Gill Subdivision Possible action. (There was no action on this item July 7, 2015; Staffed by Planning and Code Enforcement Department.) Attachment.

115-128
- D. Discussion and consideration after public hearing on behalf of Adela M. Gonzalez to approve Ordinance 2015-22 to rezone 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary and Highway Business District Subdivision. First Reading of Ordinance 2015-22. Possible action. (Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

129-131
- E. Discussion and consideration after public hearing on behalf of Adela M. Gonzalez to approve Conditional Use Permit to operate an event center at 1411 W. 18th St., also being a 0.88 acre tract of the N212.07'-W205.40' out of Farm Tract 732, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Three-fourths vote required to approve; Staffed by Planning and Code Enforcement Department.) Attachment.

132-147
- F. Discussion and consideration on behalf of Irma C. Herrera to approve the Final Plat for Carmona Subdivision, being a 0.269 acre Tract of Land being all of Lot 5, Block 7, Villa Verde Subdivision, Weslaco, Hidalgo County, Texas, located on the West side of Tulipana Avenue, 395 feet South of 25th Street. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

148-163
- G. Discussion and consideration on behalf of Melesio Solis to approve the Final Plat for M. Solis Subdivision, being a 1.53 acre Tract of Land being all of Lot 1, Don Foster Subdivision, Weslaco, Hidalgo County, Texas, located on the North side of Mile 12 ½ North, approximately 1200 feet West of Mile 4 West. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

164-197
- H. Discussion and consideration to approve Change Order #1 and #2 for Request For Bids 2014-15-13-Utah Avenue Waterline Improvements in an amount not exceed \$14,173.40 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

198-201
- I. Discussion and consideration to approve a general service contract with Accela Inc. for software and implementation services in an amount not to exceed \$35,955.55 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

202-212

- J. Discussion and consideration to approve Ordinance 2015-23 amending Ordinance 2014-15 to provide for the disannexation of certain unimproved area from the territory to the corporate limits of the City of Weslaco, Hidalgo County, Texas and ordain other matters with respect to the subject matter hereof and authorize the Mayor to execute any related documents. First Reading of Ordinance 2015-23. Possible action. (Staffed by City Secretary's Office.) Attachment.

213-215
- K. Discussion and consideration to approve an agreement with the Hidalgo County Criminal District Attorney's Office for fiscal year 2015-2016 for assistance with seized assets and funds and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.

216-220
- L. Discussion and consideration to approve an interlocal cooperation agreement with the Lower Rio Grande Valley Development Council for the equipment from the FY2011 Homeland Security Grant Program and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment.

221-234
- M. Discussion and consideration to approve a contract with Severn Trent for the water, wastewater, and lift station operations and authorize the Mayor negotiate the terms and to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

235
- N. Discussion and consideration to award the best qualified, most advantageous respondent to the Request for Proposals for solid waste collection services. Possible action. (Staffed by City Manager's Office.) Attachment.

236-237
- O. Discussion and consideration to authorize the Mayor to represent the City of Weslaco at the Little League World Series. Possible action. (Staffed by City Manager's Office.)
- P. Discussion and consideration to authorize the solicitation of Requests for Proposals for external auditor professional services. Possible action. (Staffed by City Manager's Office.) Attachment.

238-239
- Q. Discussion and consideration to renew Health Insurance with Blue Cross Blue Shield and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment.

240-245
- R. Discussion and consideration to modify plan adjustment of health insurance rates with Blue Cross Blue Shield and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment.

246

- S. Discussion and consideration authorize staff to solicit proposals from qualified insurance carriers for Group Health Insurance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment. 247
- T. Discussion and consideration to amend Valley Risk Consultant contract to include consultant service for city's Group Health Insurance and authorize the Mayor to execute any related documents. Possible action. (Staffed by Human Resources.) Attachment. 248
- U. Discussion and consideration to award Buyboard or HGAC contract for the lease purchase for two (2) ambulances in the combined amount not to exceed \$350,000.00 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment. 249-256
- V. Discussion and consideration to award Bid Package #14 – Plant 4 Clarifier to the lowest responsible bidder as recommended by CDM Constructors Inc., and authorize the Mayor to execute all related documents. Possible action. (Staffed by Public Utilities Department.) Attachment. 257-258
- W. Discussion and consideration to seek Requests for Qualifications for Professional Legal Services as City Attorney for the City of Weslaco. Possible action. (Requested by Commissioners Kerr and Fox.)
- X. Discussion and consideration to terminate the Professional Services Agreement for Legal Services of the City Attorney for the City of Weslaco with the current City Attorney and to authorize the 60-day termination notice be sent as required by §1.06 of the Professional Services Agreement for Legal Services for the City of Weslaco. Possible action. (Requested by Commissioners Kerr and Fox.)

VII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

- (1) the defendant had good reason to believe the disclosure was lawful; or
- (2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.
- B. Personnel – Discussion regarding the transition from self-performance in the water and wastewater systems, including Public Utilities Director David Salinas, Public Utilities Assistant Director Trinidad Cantu, and other affected employees as authorized by §551.074 of the Texas Government Code.
- C. Legal Consultation - Consultation with City Attorney to seek a legal opinion regarding the CDM and Briones Engineering contracts pursuant to §551.071 and/or §552.071 of the Texas Government Code.
- D. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by §551.071 of the Texas Government Code.
- E. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Police Union (Weslaco Municipal Police Union) as authorized by §551.071 of the Texas Government Code.
- F. Pending Litigation – Consultation with City Attorney regarding Cause No. C-0435-13-A, *Richard Stubbs v. The City of Weslaco, Texas; Veronica Ramirez, in her official capacity as Weslaco Civil Service Director*, as authorized by §551.071 of the Texas Government Code.
- G. Economic Development – Consultation with City Attorney regarding a lease agreement for Economic Development Project Chicken Hatch as authorized by §551.087 of The Texas Government Code.
- H. Contract Negotiation - Consultation with City Attorney on the contract with the Valley Nature Center as authorized by §551.0725 of The Texas Government Code.
- I. Pending Litigation – Discussion with City Attorney regarding C-2317-13-H

Division 16 Construction Corporation, Plaintiff, v. City of Weslaco, Defendant as authorized by §551.071 of the Texas Local Government Code.

- J. Pending Litigation - Consultation with City Attorney regarding Civil Action No. 7:15-cv-334 *Alvino Flores, Sr. v. Sergio Ramirez, et al.* in the United States District Court for the Southern District of Texas as authorized by §551.071 of the Texas Government Code.
- K. Legal Consultation - Consultation with City Attorney regarding city limit and extraterritorial jurisdiction (ETJ) boundary issues with City of Donna, Texas pursuant to §551.071 and/or §552.071 of the Texas Government Code.
- L. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco* as authorized by §551.071 of the Texas Government Code.
- M. Pending Litigation - Discussion with City Attorney and Special Counsel regarding Cause No. C-081-13 B *Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al.* as authorized by §571.074 of the Government Code.

**VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

IX. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 14th day of August 2015 at 7:00 p.m. and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Elizabeth M. Walker, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.

Removed from Bulletin Board

Date:

Initials: